

REMARKS

The non-final Office Action was issued on pending claims 12 and 18-48. Claims 12 and 18-48 stand rejected. In this Response, claims 12, 18, 29, and 37 have been amended and no claims have been added or cancelled. Thus, claims 12 and 18-48 are pending in the application.

Applicants invite the Examiner to call Applicants' Representative to discuss any issues with this application.

Drawings

At page 2 of the Office Action, the drawings were objected to under 37 CFR § 1.83(a).

Please replace the original single sheet of drawings for Figs. 13 and 14 with the enclosed two sheets of drawings of Figs. 13 and 14. The enclosed Fig. 13 has been revised to show the pulley 180 connected to the cross rail 178 and the pulley 182 connected to a side of the box 100. See the Specification at page 14, lines 3-4. The enclosed Fig. 14 has not been amended. Applicants submit no new matter has been added. Also, Applicants note the same drawing amendments were made in application serial no. 10/269,019 which is also being examined by Examiner Chan.

Thus, Applicants submit that the objections to the drawings have been overcome.

Claim Rejections – 35 USC § 112

At Office Action pages 2 and 3, claims 12 and 18-48 were rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully disagree.

Applicants submit the specification describes and the drawings show the claimed invention to enable one of skill in the art to make and use the invention. See the specification at

page 13, line 24-page 14, line 10 and Figs. 11-14. See also, amended Fig. 13. Applicants further submit that amended Fig. 13 is fully supported by the application as originally filed and does not contain new matter.

Thus, Applicants submit that the § 112, first paragraph, rejections have been overcome.

Claim Rejections – 35 USC § 102

At page 3 of the Office Action, claims 12, 22, 37, 46 and 47 were rejected under 35 USC § 102(b) as being anticipated by Becker (US 4,381,039). Applicants respectfully disagree.

Claim 12 has been amended to clarify the claim. Claim 12 now calls for the large-volume flexible medical container to have sidewalls in supportive contact with sidewalls of the rigid box. Figs. 1 and 10-12 show one example of Applicants' claimed invention. A container 10 is supported by a supporting container or rigid box 100. The flexible container 10 has sidewalls which are in supportive contact with sidewalls of the rigid box 100. See the Specification at page 11, line 30-page 12, line 12.

Claim 37 has also been amended to clarify the claim. Claim 37 also calls for the sidewalls of the large-volume flexible medical container to be in supportive contact with the sidewalls of the rigid box.

Becker pertains to a filtered bag weighted holder. Becker shows in Fig. 1 a plurality of fabric filter bags 12 positioned inside of a bag house 10. The fabric filter bags 12 are clearly not in supportive contact with sidewalls of the bag house 10.

Thus, Applicants submit that the § 102 rejections have been overcome.

Claim Rejections – 35 USC § 103

At pages 3 and 4 of the Office Action, claims 20 and 23 were rejected under 35 USC § 103(a) as being unpatentable over Becker in view of Moliterni (US 4,235,196). At page 4 of the Office Action, claims 18, 19, 24-26, 28-30, 34, 35, 41, 42, 44 and 45 were rejected under 35 USC § 103(a) as being unpatentable over Sasaki et al. (US 5,788,121) in view of Dow (US 4,338,979). At page 5 of the Office Action, claims 27, 32, 33, 39, 40 and 43 were rejected under 35 USC § 103(a) as being unpatentable over Sasaki et al. in view of Dow and further in view of Farrell et al. (EP 0 461 874 A2). Applicants respectfully disagree.

Claims 18 and 29 have been amended to clarify the claims. Claim 18 pertains to a system for supporting a three-dimensional flexible container within a box. Claim 18 calls for the flexible container to define a sterile barrier to an interior having a volume of at least about 200 liters. Claim 29 pertains to a large-volume flexible container support system. Claim 29 calls for a large-volume flexible container inside of the box and having a size greater than the interior of the box. Claim 29 further calls for the large-volume flexible container to be closed and form a sterile barrier to an interior of the container.

As to the rejection in view of Becker and Moliterni, Becker does not disclose or suggest Applicants' claimed invention, as claimed in claim 12, as discussed above. Moliterni pertains to a bird feeder, cage and bag assembly. Applicants submit that Moliterni does not remedy the deficiencies of Becker.

As to the rejection in view of Sasaki et al. and Dow, claims 18 and 29 call for the flexible container to define a sterile barrier to the interior of the container. Claim 18 further calls for the volume of the flexible container to be at least about 200 liters. Applicants submit Sasaki et al. combined with Dow, if such combination is proper, does not disclose or suggest Applicants' claimed invention.

Sasaki et al. pertains to a bag for bag-in-box and a bag-in-box. Applicants submit that Sasaki et al. does not disclose or suggest a flexible container defining a sterile barrier. Furthermore, Dow pertains to a bag holding device and process and shows an open-ended bag 12 which remains open when placed in a device 10. Accordingly, Dow does not disclose or suggest

the open bag 12 be a sterile barrier. Furthermore, Sasaki et al. describes the volume of the bag to be from about 5 liters for domestic use to about 20 liters for commercial use. See Sasaki et al., column 1, lines 44-47. Dow does not disclose or suggest that the open-ended bag 12 have a volume of at least about 200 liters. Dow describes a rubber band 26 which holds the bag 12 against the device 10. The open-ended bag 12 held in place by a rubber band 26 indicates that Dow does not disclose or suggest that the bag 12 has an interior volume of at least about 200 liters. A container having a 200 liter volume must withstand significant forces when filled with liquid as does Applicants' invention. Dow does not disclose or suggest that the bag 12 and device 10 is designed to withstand such large forces experienced by a large-volume container.

Furthermore, if Sasaki et al. and Dow are combined, the combination does not result in Applicants' claimed invention. Dow shows and describes the open-ended bag 12 which is folded over a mouth edge 22 of the device 10 and held in place by the rubber band 26. If the open-ended bag of Dow is combined with Sasaki et al., the combination would result in Sasaki et al. having an open-ended bag. Accordingly, Sasaki et al. combined with Dow would not define a flexible container having a sterile barrier to an interior or a closed flexible container.

As to the rejections based on Sasaki et al. in view of Dow and Farrell et al., Applicants submit the combination, if such combination is proper, does not disclose or suggest Applicants' claimed invention. Claim 39 calls for the container hanger to comprise a counterweight connected to the top portion of the large-volume flexible container. Claim 40 calls for the container hanger to comprise an elastic member assembly connected to the top portion of the large-volume flexible container. Accordingly, claims 39 and 40 call for the container hanger to be connected to a top portion of the large-volume flexible container.

The Office Action acknowledges that Sasaki et al. and Dow do not provide a counterweight or support of the flexible container at the corners of the box. Farrell et al. pertains to a container apparatus for the storage and transportation of fluid material. Farrell et al. shows in Figs. 3 and 4 a counter-weight 24 connected to a cable 22 connected to the lowermost rib member 26. See Farrell et al., column 3, line 45-column 4, line 5. The lowermost rib member 26 is positioned at the bottom of the bag 4 and is used for raising the bottom 8 of the bag 4 towards the top part 11 of a frame 30. Thus, Farrell et al. does not disclose or suggest a

container hanger connected to a top portion of a large-volume flexible container. If Farrell et al. is combined with Sasaki et al. and Dow, the combination would result in a counterweight connected to a bottom portion of a bag and not to a top portion of a large-volume flexible container.

Thus, Applicants respectfully submit that the § 103 rejections have been overcome.

CONCLUSION

For the foregoing reasons, Applicants submit that the patent application is in condition for allowance and request a Notice of Allowance be issued.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Michael S. Leonard
Reg. No. 37,557
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4270

Dated: October 14, 2003